IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 21 OF 2005

Kailash Bhagat,
Convict Prisoner
No.486, Central Jail,
Aguada. ... Petitioner

versus

1. State of Goa,
   through the Chief
   Secretary, Secretariat,
   at Porvorim, Goa.

2. The Inspector General
   of Prisons, Collectorate,
   North Goa, Panaji.

3. Superintendent,
   Central Jail, Aguada,
   Goa. ... Respondents

Mr. V. Pangam, Advocate under the Legal Aid Scheme for the Petitioner.

Ms. W. Coutinho, Public Prosecutor for the Respondents.

CORAM : N. A. BRITTO, J.

DATE : 5TH OCTOBER, 2005.

ORAL JUDGMENT

Rule.

2. Heard forthwith.

3. Heard Mr. V. Pangam, the learned Counsel appearing on behalf of the petitioner under the Legal Aid Scheme and Ms. W. Coutinho, the learned Public Prosecutor appearing on behalf of the respondents.

4. The petitioner has made a twofold grievances in this petition. His first grievance is that his applications under Inward Nos.427 and 428 were not forwarded to the National Human Rights Commission, New Delhi. However, from the affidavit in reply filed by the Inspector General of Prisons, it can be seen that the said applications were in fact forwarded to the National Human Rights Commission, New Delhi, through proper channel and not only that, thereafter pursuant to the said applications a magisterial inquiry was conducted into the death of the prisoner by name Maruti Tirumali, by the Sub-Divisional Magistrate and a report was also forwarded to the Government. It is also stated that one Assistant Jailor and two Jail Guards are placed under suspension for dereliction of duties. In the light of that, nothing would survive in the first grievance of the petitioner.

5. As regards the second grievance, the petitioner contends that the repairs which have been carried out to the Jail are "katcha" repairs which would be dangerous to the life and security of the prisoners. The

petitioner has not specified as to the nature of the construction or repairs which is being carried out at the Central Jail, Aguada. The Inspector General of Prisons in his affidavit has stated that the repairs at the Central Jail, Aguada are being carried out by the contractor through the Public Works Department of the Government of Goa and that the said works are not "katcha" and that the Public Works Department are visiting the Central Jail, Aguada, from time to time to supervise the construction and the repairs of the works.

6. As far as this grievance of the petitioner is concerned, in my view, the Inspector General of Prisons should himself visit the site along with one of the engineers of Public Works Department and satisfy himself that the works are being carried out by the contractor in terms of the tender as well as per specifications.

7. With the above direction, nothing would survive in this petition and the same is accordingly disposed of. The Inspector General of Prisons to file a report of his visit of inspection within a period of two weeks.

N. A. BRITTO, J.

RD.